



Federal Bureau of Investigation

Washington, D.C. 20535

July 25, 2023

MR. NOAH SCHEER



FOIPA Request No.: 1597807-000  
Subject: MCCLELLAN, JOHN LITTLE

Dear Mr. Scheer:

The FBI has completed its search for records subject to the Freedom of Information Act (FOIA) that are responsive to your request. The enclosed 33 pages of records were determined to be responsive to your subject and were previously processed and released. Please see the selected paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- In an effort to provide you with responsive records as expeditiously as possible, we are releasing documents from previous requests regarding your subject. We consider your request fulfilled. Since we relied on previous results, additional records potentially responsive to your subject may exist. If this release of previously processed material does not satisfy your request, you may request an additional search for records. Submit your request by mail to **Initial Processing Operations Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 200 Constitution Drive; Winchester, VA 22602**. You may also email your response to [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). Please include the FOIPA Request Number listed above in your correspondence.
- Please be advised that additional records responsive to your subject exist. If this release of previously processed material does not satisfy your request, you must advise us that you want the additional records processed. Please submit your response within thirty (30) days to **Initial Processing Operations Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 200 Constitution Drive; Winchester, VA 22602**. You may also email your response to [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). Please include the FOIPA Request Number listed above in your correspondence. **If we do not receive your decision within thirty (30) days of the date of this notification, your request will be closed.**
- One or more of the enclosed records were transferred to the National Archives and Records Administration (NARA). Although we retained a version of the records previously processed pursuant to the FOIA, the original records are no longer in our possession.

If this release of the previously processed material does not satisfy your request, you may file a FOIPA request with NARA at the following address:

National Archives and Records Administration  
Special Access and FOIA  
8601 Adelphi Road, Room 5500  
College Park, MD 20740-6001



Records potentially responsive to your request were transferred to the National Archives and Records Administration (NARA), and they were not previously processed pursuant to the FOIA. You may file a request with NARA using the address above. Please reference file number 9-HQ-57204, 56-HQ-4889, 62-HQ-113546 SERIAL 48, 62-HQ-23190 SERIAL 1617, 62-HQ-115695 SERIAL 7, 62-HQ-102241 SERIAL 103X, 35, 62-HQ-110834 SERIAL 98, 99, 62-HQ-111390 SERIAL 6, 157-HQ-105 SERIAL 22, 100-HQ-13124 SERIAL 143, 62-HQ-105350 SERIAL 12, 157-HQ-2-9 SERIAL 672, 688, 62-HQ-27585-A SERIAL COMMERCIAL APPEAL, 62-HQ-105993 SERIAL X6, 61, 157-HQ-8428 SERIAL 1215, 62-HQ-74439 SERIAL 134, 142, 135, 62-HQ-115875 SERIAL 2, 100-HQ-42303-A SERIAL TIMES HERALD, WASHINGTON POST, NEW YORK TIMES HERALD, 62-HQ-105492-A SERIAL NEW YORK TIMES, 94-HQ-4-6127 SERIAL 134, 14, 100-HQ-64700 SERIAL 1210-ENCLP3069, 100-HQ-3-70 SERIAL 582, 62-HQ-110400 SERIAL 296, 63-HQ-5327-A SERIAL WASHINGTON CAPITAL NEWS 12/2/62, 72-HQ-1189-A SERIAL WASHINGTON DAILY NEWS 11/30/60, 92-HQ-1795-A SERIAL HALL SYNDICATE 1/9/57, 140-HQ-1397 SERIAL 1, 94-HQ-4-4281 SERIAL 16, and 94-HQ-4 SERIAL 6127 in your correspondence.



One or more of the enclosed records were destroyed. Although we retained a version of the records previously processed pursuant to the FOIA, the original records are no longer in our possession. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA) , Title 44, United States Code, Section 3301 as implemented by Title 36, Code of Federal Regulations, Part 1228; Title 44, United States Code, Section 3310 as implemented by Title 36, Code of Federal Regulations, Part 1229.10.



Records potentially responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA) according to Title 44 United States Code Section 3301, Title 36 Code of Federal Regulations (CFR) Chapter 12 Sub-chapter B Part 1228, and 36 CFR 1229.10.



Documents or information referred to other Government agencies were not included in this release.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **“Part 1”** of the Addendum includes standard responses that apply to all requests. **“Part 2”** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **“Part 3”** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Additional information about the FOIPA can be found at [www.fbi.gov/foia](http://www.fbi.gov/foia). Should you have questions regarding your request, please feel free to contact [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). Please reference the FOIPA Request number listed above in all correspondence concerning your request.

Please be advised that if you are seeking a new search for records, you may wish to narrow the scope of your request based on material that you have already received, e.g., timeframe or locality. Additionally, be advised that “unusual circumstances” may apply. See 5 U.S.C. § 552 (a)(6)(B)(iii). These “unusual circumstances” will delay our ability to make a determination on your request within 20 days. See 5 U.S.C. § 552 (a)(6)(B). Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii). The application of “unusual circumstances” is not a determination of how the FBI will respond to your substantive request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Michael G. Seidel  
Section Chief  
Record/Information Dissemination Section  
Information Management Division

Enclosures

## FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

### Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the [www.fbi.gov/foia](http://www.fbi.gov/foia) website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

### Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C. § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C. § 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

### Part 3: General Information:

- (i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
  - a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
  - b. *Reference Entity Records*– created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at [www.fbi.gov/about-us/cjis/identity-history-summary-checks](http://www.fbi.gov/about-us/cjis/identity-history-summary-checks). Additionally, requests can be submitted electronically at [www.edo.cjis.gov](http://www.edo.cjis.gov). For additional information, please contact CJIS directly at (304) 625-5590.

## **EXPLANATION OF EXEMPTIONS**

### **SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

### **SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

Memorandum to Mr. Belmont  
Re: Hubert Dane Harris

ACTION

Because of the most sensitive position of our source and to avoid compromising it through any leak of information, we have not disseminated any of the information developed outside the Bureau. The source should be even more productive in the immediate future as the tourist and racing season in Hot Springs starts the end of February. There appears to be no reason why we should advise the Department of the information developed at this time. If plans progress and indictments are actually returned, we will, of course, have to give consideration at that time to discontinuing the source and advising the Department in order to preclude jeopardizing prosecution.

D

✓ Jack ass  
G. V. ~~to~~

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Belmont

DATE: January 31, 1964

P FROM : C. A. Evans

SUBJECT: HUBERT DANE HARRIS  
HOT SPRINGS, ARKANSAS

Qb

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Casper \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 McLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Gale \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holmes \_\_\_\_\_  
 Gandy \_\_\_\_\_

b6  
b7C

In view of information received from the Department as contained in our memorandum dated January 13, 1964, that plans are being made by the Criminal Division to re-present to the Grand Jury the cases involving the gambling casinos at Hot Springs, Arkansas, we have reviewed the situation there insofar as our highly confidential source is concerned.

This source, which has been in operation since October 28, 1963, has been most productive. Through it we have learned, for example, that Harris is boss of illegal gambling in Hot Springs; exercises control of the Police Department, Sheriff's Office, Prosecuting Attorney and is friendly with a representative from Governor Faubus' Office, State Senator Q. Byrum Hurst and [redacted]. This source reported that Harris in November 1963 had utilized [redacted]

U. S. Senator John McClellan, in making a \$5,000 payment to a person believed to be Peyton Ford, a Washington, D. C., attorney and former Department of Justice employee, to assist in obtaining a delay in presenting [redacted]

Spring of 1964 to avoid adverse publicity during the Oaklawn race meet and tourist season, which begins the end of February.

In November this source reported that Harris and his associates had purchased a Buick automobile about May of 1963, which was later presented to Senator McClellan's wife for her use; purchased and distributed 15,000 copies of the book "Crime Without Punishment," written by Senator McClellan; and that Harris and his group are making concerted efforts to avoid adverse publicity which would direct criticism toward Governor Faubus and Senator McClellan.

According to this source, Harris has been attempting to gain control over the majority of Hot Springs City Aldermen so that there would be little difficulty in obtaining favors and gaining political strength in Hot Springs. He has already succeeded in causing a new city ordinance to be rewritten relating to bars and casinos.

CJD:rap foy  
(6)

REC-11

92-3834-90  
11 FEB 5 1964

614 FEB 10 1964

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Boardman

DATE: February 6, 1957

FROM : Mr. Rosen

SUBJECT: LABOR RACKETEERING MATTERS

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mason	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

The Attorney General advised on February 6, 1957, that Senator John L. McClellan (D.-Ark.) and Senator Irving M. Ives (R-N.Y.) were to call at the Attorney General's Office at 3:30 P.M. Thursday, February 7, 1957. The Senators are calling to discuss cooperation of the Department of Justice with the Senate Select Committee to investigate improper activities in labor management relations. This Special Senate Committee was approved by the Senate on January 30, 1957, and Senator McClellan is the Chairman. The Attorney General indicated he would like to have the Director present if possible at the meeting in his office on February 7, 1957.

There is attached hereto a memorandum, together with a synopsis and appropriate exhibits, which the Director requested be prepared.

There are also enclosed, for the Director's information, memoranda reflecting information in Bureau files concerning Senators McClellan and Ives.

Enclosures

1 - Mr. Holloman  
1 - Mr. Nichols

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INDEXED

Copy to Mr. Tolson

6/26/57

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DATE 7/6/79 BY SP12/TS/TS

66 MAR 1 1957

June 14, 1954

Memorandum for MR. TOLSON  
MR. NICHOLS  
MR. BOARDMAN  
MR. BELMONT

In conference with the Attorney General this morning, at which was present Deputy Attorney General William Rogers, there was discussed the matter which I had on several occasions previously brought to the Attorney General's attention, namely, the cooperation to be extended by this Bureau to Congressional Committees. The Attorney General read aloud the memorandum which I addressed to him under date of April 1, 1954, setting forth the procedure which has been followed up to the present time in this matter.

It was the decision of the Attorney General that we would continue to undertake the investigations of the members of the staffs of the following Committees when such requests are made by the Chairmen:

- A. Senate and House Appropriations Committee
- B. Senate and House Judiciary Committee
- C. Joint Committee on Atomic Energy (cooperation extended this Committee pursuant to law)
- D. Senate Armed Services Committee
- E. Senate Foreign Relations Committee

Beyond the above, there will be no further service rendered to any Congressional Committee. This means that any requests which are received from the Subcommittee to Investigate the Administration of the Internal Security Act, otherwise known as the Jenner Committee, will not be favorably acted upon.

In other words, no information in the files of the FBI, either of the public-source type or other types, will be made available to any Congressional Committee unless it be in line with an investigation of a member of the staffs of the above-listed Committees. We should be alert at all times to see that no name is sent to us for investigation by any of these Committees of any individual who is not being considered for a staff position on a particular Committee.

The Attorney General decided that there would be no letter written to any Committee at this time advising them of this change in policy but that as requests are received they will be denied.

Very truly yours,

John Edgar Hoover

ENCLOSURE Director

62-103771-16

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Senator John Little McClellan  
United States Senator - Arkansas

On September 11, 1956, a request was received on behalf of Senator McClellan and Mr. Robert F. Kennedy, Counsel of the Senate Committee on Government Operations, for an appointment with the Director. A mutual convenient time for the meeting could not be arranged. The January 8, 1957, issue of the "New York Daily News" reflects that Chairman John McClellan of the Permanent Investigations Subcommittee and Senator Irving Ives of the Labor Committee have both introduced in the Senate rival resolutions proposing that their respective committees conduct an investigation of labor-union racketeering and its underworld tie-ups.

February 7, 1957

~~IRVING MCNEIL IVES~~  
IRVING MCNEIL IVES  
UNITED STATES SENATOR - NEW YORK

*DC*

Senator Ives, Republican, was born in Bainbridge, New York, January 24, 1896. He received an A.B. degree from Hamilton College, Clinton, New York, in 1920, and has received LL.D. degrees, Hamilton College, 1946, and Hartwick College, 1950. He was formerly with the Guaranty Trust Company and the Manufacturers Trust Company of New York City from 1923 to 1930, and from 1933 to 1945 was in the general insurance business in his home town of Norwich, New York. He was a member of the New York State Assembly from 1930 until 1946, at which time he was elected United States Senator. He is a former chairman of the New York State Joint Legislative Committee on Industrial and Labor Conditions, and became author and sponsor of legislation creating the New York State Department of Commerce and the New York State School of Industrial and Labor Relations at Cornell University. In 1953 he was chairman of the United States delegation to the International Labor Organization Conference at Geneva, Switzerland. He is a member of the American Legion, Veterans of Foreign Wars and Phi Beta Kappa. He was re-elected to the United States Senate in 1952, and in 1954 was the Republican candidate for governor of New York State.

No investigation of Senator Ives has been conducted by the Bureau and references to him in files are of a non-discriminatory nature.

Drew Pearson in a broadcast in May, 1949, commented upon Mr. Hoover's 25th anniversary as Director and stated that members of Congress were introducing a bill granting The J. Edgar Hoover Foundation. Senator Ives was mentioned as a member of this group.

Bureau files reflect that Senator Ives has on numerous occasions furnished communications to the Bureau received by him from New York constituents relating to communist matters and generally following the Communist Party line in protesting such legislation as the Smith Act. All of Senator Ives' correspondence has been acknowledged cordially.

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ENCLOSURE 62-103771-16

IRVING MCNEIL IVES

In April, 1956, a letter was directed to Senator Ives, wishing a prompt recovery and offering any assistance, when it was learned he was recovering in Norwich, New York, from an emergency appendectomy.

The "New York Daily News" on January 7, 1957, reported that Senator Ives had introduced a resolution on behalf of the Labor Committee for the right to conduct a \$250,000 investigation of labor union racketeering and its underworld tie-ups. Senator John McClellan (D-Ark.) was also reported by the "New York Daily News" as having introduced a resolution along similar lines. Senator Ives was quoted as saying, "I find it difficult to express how strongly I feel the necessity for such an investigation. Racketeers intimidate honest workers and pervert the purpose of the labor movement."

LABOR RACKETEERING MATTERS  
SENATE SELECT COMMITTEE TO INVESTIGATE IMPROPER  
ACTIVITIES IN LABOR MANAGEMENT RELATIONS

SYNOPSIS

1. Creation and Membership of the Senate Select Committee  
to Investigate Improper Activities in Labor Management Relations

Page 1

This Committee, the Chairman of which is Senator John L. McClellan (D-Ark.), was approved by the Senate on January 30, 1957. The Committee was created after officials of the Teamsters Union at hearings in Washington, D.C., on January 16-19, 1957, challenged the authority of the Senate Government Operations Committee to conduct hearings with regard to labor matters. The Committee is composed, in addition to McClellan, of the following Senators: Irving M. Ives (R-N.Y.), Joseph R. McCarthy (R-Wis.), John F. Kennedy (D-Mass.), Sam J. Ervin (D-N.C.), Barry Goldwater (R-Ariz.), Karl E. Mundt (R-S.D.), Pat McNamara (D-Mich.)

2. Objectives of the Committee

Page 3

It has been indicated the Select Committee will consider (1) criminal control of unions, (2) health and welfare funds, (3) the Teamsters Union, (4) false financial statements by unions.

3. Labor Racketeering and the Bureau's  
Limited Jurisdiction in this Field

Page 7

The Bureau's jurisdiction in labor racketeering matters is limited principally to violations of the Anti-Racketeering Act, which makes it an offense to interfere with interstate commerce by robbery or extortion, and that portion of the Labor Management Relations Act of 1947 which prohibits payments by employers to union representatives.

We have conducted investigations under the Anti-Racketeering Statute of situations where money is extorted from contractors by union officials; where truck owners are forced to hire unnecessary laborers to unload the truck; and in a few instances where robbery itself interfered with interstate commerce.

Under the Labor Management Relations Act, cases investigated have included bribery of union officials by

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ENCLOSURE

employers and situations wherin a union failed to comply with the statute in setting up a health and welfare fund. Embezzlement of money from a health and welfare fund is not a violation within the Bureau's jurisdiction.

4. Bureau Accomplishments in Labor Racketeering Matters - Page 11

Despite the limited Bureau jurisdiction, the number of convictions obtained during the past three fiscal years have increased from 7 in 1954 to 32 in 1955 to 45 in 1956. Labor racketeering violations have occurred in numerous sections of the country. There has been a concentration of such activities in St. Louis, Missouri, and Springfield, Illinois.

5. Current Situations Concerning Bureau Investigations in this Field

Page 12

There are approximately 350 cases pending at the present time involving allegations of violations of the Anti-Racketeering and Labor Management Relations Act under investigation. While individual cases have been presented to Grand Juries in numerous sections of the country, concerted Grand Jury action is being taken at this time in New York City and in Chicago, Illinois.

The labor racketeering cases under investigation in New York concern extortions by racketeers from garment manufacturers and allegations of labor racketeering in such businesses as retail outlets and vending machine operations.

At Chicago, 32 cases are being considered by the Grand Jury involving payments by painting contractors to union officials as well as cases involving the Fish Handlers Union and the Egg Handlers Union in which it is alleged, merchants paid money to union officials under threat of labor difficulties.

Difficulties are encountered in our investigations in these cases because employers have been generally reluctant to come forth and furnish information for fear of retaliation by union officials or because employers themselves may be violating the Labor Management Relations Act by making such payments.

6. Cooperation Which Might Be Extended the Committee by the FBI

Page 15

Cooperation which might be extended the Select Committee by the FBI would include:

- a. Furnishing Identification Division records.
- b. Conducting Laboratory examinations.
- c. Locating witnesses for the Committee in special circumstances when the Committee is unable to locate an important witness under its established procedure.
- d. Conducting applicant investigations of the Committee staff would not be desirable but as an alternative we could make a name check of the employees.
- e. Information available in the files of the FBI could be furnished to the Committee in special circumstances if the Department approved this procedure. Special safeguards would have to be set up to insure that the memoranda reflecting the information in the Bureau files was furnished to the Department which would have to take responsibility for giving the information to the Committee. An additional safeguard required would be that the information could not be identified as being submitted by the FBI but as having come from the Department. It would be to our advantage to be in touch with the Committee so we would be aware of their requests but the procedure of searching our files would cause us considerable work. It would seem undesirable to start furnishing information in our files to the Committee unless it were a special situation and only under the circumstances outlined above.

Details of the information outlined above follow.

1. CREATION AND MEMBERSHIP OF THE SENATE  
SELECT COMMITTEE TO INVESTIGATE IMPROPER  
ACTIVITIES IN LABOR MANAGEMENT RELATIONS

a. Background Concerning Creation of Committee

The Permanent Investigating Subcommittee of the Senate Government Operations Committee under the Chairmanship of Senator John L. McClellan (D-Ark.) with Robert F. Kennedy as Committee Counsel has conducted investigation throughout the country in recent months, according to public source material, concerning labor racketeering. This investigation culminated in hearings by this Subcommittee which were held in Washington, D. C., on January 16 through 19, 1957. At this hearing, certain officials of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America, according to the same source, refused to answer questions propounded by the Committee because they contended that the Committee was without jurisdiction to investigate labor racketeering. Others refused to testify on the grounds that their answers would incriminate them and they, therefore, relied upon the protection of the Fifth Amendment of the Constitution.

One of these officials was identified in public source reports as Einar O. Mohn, international vice-president of the Teamsters Union and administrative assistant to Dave Beck, the president at Washington, D. C. Another was identified as Frank W. Brewster, international vice-president and president of the Western Conference of Teamsters at Seattle, Washington.

On January 7, 1957, Senator Irving M. Ives (R-N.Y.) introduced Senate Resolution 13 for the purpose of authorizing an investigation of labor racketeering by the Senate Committee on Labor and Public Welfare.

b. Creation of Committee

As a result of the above situations, Senator McClellan and Senator Ives, along with Senators Lister Hill (D-Ala.) and Joseph R. McCarthy (R-Wis.), introduced Senate Resolution 74 creating the Senate Select Committee to Investigate Improper Activities in Labor Management Relations. A copy of this resolution is attached hereto as Exhibit I. This resolution was approved by a unanimous voice vote by the Senate on January 30, 1957, according to public source material.

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c. Membership of the Committee

Vice-President Richard M. Nixon on the same date named four Republicans and four Democrats to the Select Committee. These members were drawn from the Permanent Investigations Subcommittee of the Government Operations Committee and from the Labor and Public Welfare Committee of the Senate. They are as follows:

Senator John L. McClellan (D-Ark.), Chairman  
Senator Irving M. Ives (R-N.Y.)  
Senator Joseph R. McCarthy (R-Wis.)  
Senator John F. Kennedy (D-Mass.)  
Senator Sam J. Ervin, Jr. (D-N.C.)  
Senator Barry Goldwater (R-Ariz.)  
Senator Karl E. Mundt (R-S.D.)  
Senator Pat McNamara (D-Mich.)

d. Appropriation

The Committee was authorized to make expenditures not exceeding \$350,000 in conducting its investigation.

e. Purpose of Investigation

The resolution creating the Committee authorized it "to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been, engaged in in the fields of labor-management relations or in groups or organizations of employees or employers, to the detriment of the interests of the public, employers or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities."

## 2. OBJECTIVES OF THE COMMITTEE

Senator McClellan announced publicly that the Select Committee has received authority to investigate industry to cover cases in which a businessman "conspired with some thug to avoid using union labor." Senator Ives has also been quoted as stating that the new Committee will "help organized labor clean house."

As to specific objectives, based upon statements made by representatives of the Permanent Investigating Subcommittee of the Government Operations Committee, during its investigation and hearing, the following matters will be probably explored.

### a. Criminal Control of Unions

Senator McClellan announced that attention would be focused on the infiltration of criminals into labor unions and their embezzlement and misapplication of union funds. Although the Bureau collects intelligence information concerning criminal infiltration of unions, this type of activity is not within the Bureau's jurisdiction.

### b. Health and Welfare Funds

It was announced that the misuse and maladministration of union health and welfare funds would be investigated. The Bureau has extremely limited jurisdiction regarding these funds under the Labor Management Relations Act of 1947 (Taft-Hartley Act), Title 29, U. S. Code, Section 186, (copy attached - Exhibit III) which section prohibits payments from an employer to a health and welfare fund unless the fund is established according to the provisions of this section. The Criminal Division of the Department has held that when a health and welfare fund has been properly set up in accordance with Section 186, payments to it by an employer are legitimate and that embezzlement of these funds or maladministration of same fund by the union official is not a violation of Federal law. Therefore, the purpose of the Bureau's investigations into these funds is solely for the purpose of determining whether the fund has been properly established.

### c. International Brotherhood of Teamsters, Chauffeurs and Warehousemen of America

The Committee has indicated an interest in the Brotherhood of Teamsters, Chauffeurs and Warehousemen of America, which union is headed by such personalities as Dave Beck, International President, and James Hoffa, one of the International Vice

Presidents. This union received nationwide publicity in connection with the proposed \$400,000 loan to the International Longshoremen's Association which had been expelled by the American Federation of Labor because of its domination by the criminal element. The growth of the Teamsters Union influence over other unions is not within the Bureau's jurisdiction.

d. False Financial Statements filed by Unions with Federal Agencies

One of the announced objectives of the Committee is to determine whether there is a need to strengthen Federal legislation as to financial reports required of unions to be filed with Federal agencies to prevent false statements therein, specifically as to statements filed as a basis for declaring the unions to be tax exempt (jurisdiction of Treasury Department):

The Labor Management Relations Act of 1947 requires unions to file with the Department of Labor a financial statement known as the Labor Organization Registration Form in order for the union to be eligible for the services of the National Labor Relations Board. Although the law requires this form to be filed, no action is taken on the basis of it by the Department of Labor. The Bureau does have jurisdiction of false financial statements on this form (Fraud Against the Government, Title 18, U. S. Code, Section 1001). However, prosecution has been uniformly declined in cases where false statements have been developed for the following reasons:

(1) The false statements themselves are immaterial inasmuch as the Federal Government (Department of Labor) takes no action on the basis of the statements filed with it.

(2) The forms were executed and filed by subordinate union employees who had no knowledge of the falsity of the statement therein.

(3) It was not possible to establish venue since the Department of Labor did not maintain a record as to the place where the statement was originally received by the Government or the method of transmittal used by the union in forwarding the statement.

In one case an indictment was returned but subsequently dismissed when venue could not be established. In the other case (only one pending) the only possible witness as to venue was subpoenaed before the Federal Grand Jury but was unable to establish same. The U. S. Attorney is presently seeking advice from the Criminal Division of the Department as to the disposition of this case.

e. Specific Geographical Areas in Which the Permanent Investigating Subcommittee Investigators Displayed an Interest

According to press releases made by the Permanent Investigating Subcommittee their investigators have made inquiry in the following cities:

Chicago, Illinois, Los Angeles, California, Minneapolis, Minnesota, New York City, Philadelphia, Pennsylvania, Portland, Oregon and Seattle, Washington.

That Subcommittee also announced that inquiry would probably be made at Baltimore, Maryland, Kansas City, Missouri, Louisville, Kentucky, Newark, New Jersey, and St. Louis, Missouri. It has also indicated that its investigators may conduct inquiries at Boston, Massachusetts, Cleveland, Ohio, Detroit, Michigan, Miami, Florida, and Pittsburgh, Pennsylvania.

f. Walter Reuther's Interest in Committee

On February 4, 1957,  
the strictest of confidence

b7D

Public source material indicates that Walter Reuther on February 2, 1957, pledged to fight "until every crook and gangster is driven out of the American labor movement." He was reported to have backed the action of the Executive Council of the American Federation of Labor - Congress of Industrial Organizations at its meeting at Miami Beach January 28, 1957. The Council at that time voted to oust from office any officials of member unions who plead the Fifth Amendment for personal protection to avoid testifying on union affairs.

### 3. LABOR RACKETEERING AND THE BUREAU'S LIMITED JURISDICTION IN THIS FIELD

The Bureau's jurisdiction in the field of Labor Racketeering is limited principally to situations falling within the narrow purview of the following two statutes:

a. The Anti-Racketeering Act (Hobbs Act), Title 18, United States Code, Section 1951

This statute makes it an offense to interfere with interstate commerce by robbery or extortion.

A copy of this statute is attached hereto marked Exhibit II.

b. The Labor Management Relations Act of 1947 (Taft-Hartley Act) Title 29, United States Code, Section 186.

This statute prohibits payments by employers to representatives of the employees for other than legitimate purposes such as wages, bona fide purchases, etc.

A copy of Section 186 is attached hereto marked Exhibit III.

c. Analysis of Anti-Racketeering Act

The Anti-Racketeering Act (18 USC 1951) prohibits interference with interstate commerce by robbery or extortion. The definition of extortion contains two elements: (1) the taking of property from another with his consent and (2) wrongful use of actual or threatened force, violence or fear or under color of official right. The definition of robbery in this statute likewise contains two elements: (1) the taking of personal property against the will of the victim and (2) by actual or threatened force, violence or fear of injury to his personal property or that of others.

d. Application of Anti-Racketeering Act

#### Extortions

##### Shakedown of Contractors by Union Officials

A typical example of the type of activity to which this

statute applies would be a situation in which a contractor must, in order to fulfill a contract, obtain \* necessary workmen from the business agent of the labor union having jurisdiction over the type of work being performed by his company. The contractor is approached by the union official who demands that the contractor either pay a given sum of money to the union official or labor difficulties will occur on the job causing the contractor to incur a much greater loss than he would by making the payment to the union official. The labor difficulties with which the contractor is threatened in such a situation are usually caused by furnishing him inexperienced or incapable workers, ordering slow downs on the job, causing strikes or jurisdictional disputes with other unions on the job or actually causing damage to the equipment or materials.

The payment made upon the demand of the labor union official in this situation has been held to be extortion from the contractor based upon his fear of financial loss and as such a violation of the Anti-Racketeering Statute.

#### Truck Cases

Another common complaint under this statute involves the situation in which an interstate truck arrives at the loading platform of the consignor of the shipment and has been unable to unload his interstate shipment without first employing the member of the local teamster union to perform this work for which a day's wages are demanded regardless of how small a part of the day is taken to do the work.

It has been possible to establish violations of the Anti-Racketeering Statute in this situation when actual or threatened force of violence is used by the union representative demanding that the local union member be employed. In the absence of threats or violence, however, the Department and the United States Attorneys have consistently held that no violation has occurred.

#### Robbery

There have been very few cases under the robbery element of the statute and there have been no appellate court decisions finding exactly what is sufficient to constitute a taking of property under the definition of robbery.

During a milk strike in the New Orleans Division in 1947 the strikers stopped an interstate train and took from it milk being shipped to the stricken area and dumped it along the tracks. Sixty-one subjects were indicted under the robbery provisions of the statute on the theory that they had robbed the train of the milk even though they immediately destroyed it. Fifty-nine of the subjects were convicted in this case on guilty pleas. Indictments against two subjects were dismissed.

e. Analysis of the Labor Management Relations Act, Section 186, Title 29, United States Code

This section prohibits the passing of gratuities to representatives of employees (union officials) by their employer when his business is one which affects interstate commerce. All such gratuities are made illegal under the statute regardless of the purpose for which made with the following exceptions:

- (1) Payment of bona fide wages to the union official such as a shop steward.
- (2) Payment of judgments or awards of arbitrators or in settlement of any claim or grievance.
- (3) Purchase of property at the prevailing market price.
- (4) Checkoff of union dues upon written assignment from the employee.
- (5) Payments by the employer to health and welfare funds provided the health and welfare fund has been set up as a separate trust estate by written agreement for one of the designated purposes set forth in the statute and with equal representation upon the Board of Trustees of the employers.

Unlike the Anti-Racketeering Statute, there is no requirement that the payment by the employer be extorted from him by the union official and this statute has been used as the basis for prosecution in cases in which proof of extortion is not available although the passage of a payment can be proven.

f. Application of Labor Management Relations Act

Bribery of Union Officials by Employers

A typical situation in which a payment is made but no extortion is present is the one in which an employer on his own initiative has made a payment to a union official representing the employees for the purpose of influencing the actions of the union official in favor of the employer and thereby depriving the employees as union members of the faithful services of their union representative. Both the employer and the union representative can be charged with violation of this statute.

Health and Welfare Funds

The Criminal Division has held that when a health and welfare fund has been properly set up in accordance with Section 186 payments to it by the employer are legitimate and that embezzlement of these funds or maladministration of same by the union official is not a violation of Federal law. The purpose of the Bureau investigations involving these funds, therefore, is solely for the purpose of determining whether the fund has been properly established.

#### 4. BUREAU ACCOMPLISHMENTS IN LABOR RACKETEERING MATTERS.

While the Bureau's jurisdiction in this field is limited and the Anti-Racketeering and Labor Management Relations Acts have narrow application, convictions have consistently increased over the past three fiscal years due to our efforts to discover and investigate promptly and thoroughly all situations indicating possible violations.

The following comparison of the number of convictions obtained during the past three fiscal years illustrates the increased activity in these cases:

1954	-	7
1955	-	32
1956	-	45

The sentences and fines since 1954 in connection with the above 84 convictions, with actual sentences averaging five years, are as follows:

Actual Sentences	441 years
Probation and Suspended Sentences	113 years
Fines	\$178,500

Although individual cases have been presented to Federal Grand Juries in numerous sections of the country, including Albany, New York; Louisville, Kentucky; Minneapolis, Minnesota; Pittsburgh and Scranton, Pennsylvania, it has been found that labor racketeering activities have been concentrated for the most part in certain localities. For instance, the concentration of labor racketeering activities in the St. Louis, Missouri, and Springfield, Illinois, areas resulted in extensive investigations. In St. Louis, Missouri, during the latter part of 1953 and the early part of 1954, investigations into this type of activity resulted in the return of 21 indictments against 27 individuals. In the East St. Louis and Springfield, Illinois, areas, extensive investigations of labor racketeering culminated in the return of 24 indictments against 37 individuals by Federal Grand Juries.

In spite of the number of indictments disposed of in obtaining the above convictions, there remained to be tried 32 indictments against 77 individuals.

5. CURRENT SITUATION CONCERNING BUREAU  
INVESTIGATIONS IN THIS FIELD

At the present time there are approximately 350 cases pending in which allegations of violations of the Anti-Racketeering and Labor Management Relations Acts are under investigation. Although individual cases have been presented to Federal Grand Juries in numerous sections of the country including Albany, Los Angeles, Louisville, Minneapolis, Pittsburgh and Scranton, Pennsylvania, others have been concentrated for the most part in certain localities.

a. New York City

At the present time grand jury action is being taken in New York City where a Special Grand Jury has been hearing evidence in the Southern District of New York since March 29, 1956, concerning the allegation that certain garment manufacturers have been the victims of extortions by racketeers. As a result of the Federal Grand Jury's subpoenaing the books and records of certain concerns in the garment industry, 102 cases have been investigated by the Bureau based upon the above allegation. Allegations of labor racketeering in other business areas such as retail outlets and vending machine operations account for 60 other cases being investigated in New York. Although no Anti-Racketeering indictments have been returned by the Special Grand Jury, it has returned four perjury indictments against four individuals who failed to testify truthfully regarding racketeering in the garment industry. In addition to the grand jury impaneled March 29, 1956, a new Special Grand Jury was sworn in in the Southern District of New York on January 29, 1957, to hear additional testimony concerning Anti-Racketeering allegations in this industry.

On June 12, 1956, in the Southern District of New York an indictment was returned by another Grand Jury charging twelve individuals with Anti-Racketeering violations in connection with their activities in the pickle and pickle products industry. On the same date a perjury indictment was returned against one of the above twelve individuals based upon his testimony before the Grand Jury.

Also in New York Claude Palmiotti, business agent of the New York Branch of the Granite Cutters International Association of America, was convicted on January 24, 1957, on an indictment returned in the Southern District of New York, on September 25, 1956, charging him in two counts with having violated the Anti-Racketeering Statute. It was established that he extorted \$200 from an employer under the threat that Palmiotti would force the company to employ an additional stonemason in connection with certain stone work being done on the Manhattan Approach to the Queensboro Bridge in New York City.

b. Chicago, Illinois

At Chicago, Illinois, at the present time there are 32 cases being considered by the Federal Grand Jury involving payments by painting contractors to union officials. Also being considered by this grand jury are cases involving the Fish Handlers Union and the Egg Handlers Union in which it is alleged that merchants handling this type of merchandise paid money to union officials under threat that otherwise the merchants would be inflicted with labor difficulties.

Also in Chicago, Edward J. Gallagher, president of the Painters, Cleaners and Caulkers Union, Local 52 of Chicago, Illinois, and Charles J. Vokoun, one of his subordinates in the union, are presently under indictment charged with violation of Section 186, Title 29, United States Code (Labor Management Relations Act) and with conspiracy to violate that section. The indictment is based upon these subjects collecting money from contractors under the guise of a welfare fund but without a written trust agreement as prescribed by the act. This is the first indictment returned involving a union welfare fund as usually these funds are set up as required under Section 186 and regardless of the mishandling of the funds the Bureau has no jurisdiction. This case is being set for trial February 25, 1957.

Angelo Inciso, formerly president of Local 286, Amalgamated United Auto Workers, Chicago, Illinois, has also been indicted for violation of the Labor Management Relations Act, Section 186, Title 29, United States Code, based upon his collection of money from employees ostensibly for a health and welfare fund for the members of the above union but without a written trust agreement properly set up in accordance with Section 186. This case has not as yet been set for trial.

c. Difficulties Experienced in These Investigations

In a large majority of cases in this field the Bureau has been faced with the same difficulty. Employers are generally reluctant to come forth and furnish information pertaining to any unlawful payments made to union officials fearing that the union officials will retaliate by causing bodily harm, property damage, strikes or other labor difficulty. Employers are also concerned with the fact that they might be subject to prosecution under Section 186, Title 29, United States Code (Labor Management Relations Act), if they should furnish the necessary evidence to establish a payment by them which might be considered to be a violation of this section.

6. COOPERATION WHICH MIGHT BE EXTENDED  
THE COMMITTEE BY THE FBI

a. Identification Records

The Identification Division can make available to the Committee at its specific request the Identification Division record of individuals in whom the Committee might be interested. This is a service we normally provide Members of Congress.

b. Laboratory Examinations

At the specific request of the Committee, the Laboratory could conduct appropriate examinations of any physical evidence which the Committee might desire.\*

c. Location of Witnesses for Committee  
in Special Circumstances

The Bureau could assist in locating witnesses who have been subpoenaed by the Committee in those special situations wherein the Committee is unable to locate an important witness under its established procedure whereby subpoenas are served. This service would be limited to locating the witness and no subpoenas would be served by agent personnel. These witnesses should be located only at the specific request of the Chairman of this Committee. It would only be done in a special situation.

d. Applicant Investigations of Committee Staff

In accordance with the decision of the Attorney General (see Director's memorandum June 14, 1954, attached, Exhibit IV), the Bureau conducts investigations of the members of the staffs of only the following Committees when such requests are made by the Chairmen:

Senate and House Appropriations Committee  
Senate and House Judiciary Committee  
Joint Committee on Atomic Energy  
Senate Armed Services Committee  
Senate Foreign Relations Committee

\* We did it for McClellan's previous Committee (re labor rackets).

This type of investigation could be extended to the Senate Select Committee to Investigate Improper Activities in Labor Management Relations. However, it would be undesirable. As an alternative we could make a name check of the employees. (In regard to requests for name checks from Congressional Committees at the present time, such requests are limited to the names of the staff members of the above-mentioned five committees.)

e. Information Available in Files of FBI

We may have information on individuals investigated by the Committee. This information could have been obtained in various ways such as (1) in an official investigation, (2) incidental to an official investigation, (3) public source material, (4) informants.

Some of the information may be corroborated, while some may be unsupported. Information obtained as criminal intelligence from various sources contacted throughout the field is contained in our files (general investigative intelligence file material submitted periodically by the field).

In connection with the above we could, in the event the Department approves, search our files and make name checks on individuals under investigation. This would necessitate a memorandum on the subjects of such name checks which would have to be carefully prepared in order to afford proper protection to our sources. The memorandum would also have to indicate whether the information resulted from an investigation or whether it was received in another manner, to prevent the recipient (the Committee) being misled. It would be necessary to forward such memoranda prepared to the Department with an appropriate cover memorandum and place the responsibility on the Department to determine whether the information should be furnished to the Committee.

This procedure could cause us considerable work and it would be desirable to limit this to special situations; otherwise it is reasonable to assume the Committee would unload all names on the Department and the Bureau would have to do the work. In addition to limiting this to special situations, we would have to have an added safeguard carefully indicating that the Department would have to approve the dissemination of information, particularly since some individuals on whom information might be sought could be the subjects of a pending investigation. We would have to alert the Department to this.

It would be to our advantage to be in touch with the Committee so we could be aware of the nature of their requests. We could, therefore, receive requests from them with the understanding that the information would be furnished to them through someone designated by the Department (preferably Deputy Attorney General Rogers).

It would also have to be clearly understood that information which the Committee might receive in this way from the Department could not be referred to as being information submitted by the FBI. If any reference is to be made to such material it would have to be identified as having come from the Department.

It would seem undesirable to start furnishing information in our files to the Committee unless it were a special situation and only under the circumstances outlined above.

85th CONGRESS  
1st Session

S. RES. 74

(Report No. 44)

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IN THE SENATE OF THE UNITED STATES

January 29, 1957

Mr. McClellan (for himself, Mr. Hill, Mr. Ives, and Mr. McCarthy) submitted the following resolution, which was referred to the Committee on Rules and Administration

January 30, 1957

Reported by Mr. Hennings, with amendments

January 30, 1957

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Considered, amended, and agreed to

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RESOLUTION

1 Resolved, That there is hereby established a select com-  
2 mittee which is authorized and directed to conduct an investi-  
3 gation and study of the extent to which criminal or other  
4 improper practices or activities are, or have been, engaged in  
5 in the field of labor-management relations or in groups or  
6 organizations of employees or employers to the detriment of  
7 the interests of the public, employers or employees, and to  
8 determine whether any changes are required in the laws of  
9 the United States in order to protect such interests against  
10 the occurrence of such practices or activities.

11 SEC. 2. (a) The select committee shall consist of eight  
12 members to be appointed by the Vice President, four each

1 from the majority and minority Members of the Senate,  
2 and shall, at its first meeting, to be called by the Vice  
3 President, select a chairman and vice chairman, and adopt  
4 rules of procedures not inconsistent with the rules of the  
5 Senate.

6 (b) Any vacancy shall be filled in the same manner  
7 as the original appointments.

8 SEC. 3. (a) The select committee shall report to the  
9 Senate by January 31, 1958, inclusive, and shall, if deemed  
10 appropriate, include in its report specific legislative recom-  
11 mendations.

12 (b) Upon the filing of its final report the select com-  
13 mittee shall cease to exist.

14 SEC. 4. For the purposes of this resolution the select  
15 committee is authorized as it may deem necessary and ap-

CLOSURE 63-103771-16

EXHIBIT

16 appropriate to (1) make such expenditures from the contingent  
17 fund of the Senate; (2) hold such hearings; (3) sit and  
18 act at such times and places during the sessions, recesses,  
19 and adjournment periods of the Senate; (4) require by sub-  
20 pena or otherwise the attendance of such witnesses and pro-  
21 duction of such correspondence, books, papers, and docu-  
22 ments; (5) administer such oaths; (6) take such testimony,  
23 either orally or by deposition; (7) employ on a temporary  
24 basis such technical, clerical, and other assistants and con-  
25 sultants; and (8) with the prior consent of the executive

1 department or agency concerned and the Committee on Rules  
2 and Administration, employ on a reimbursable basis such  
3 executive branch personnel as it deems advisable; and fur-  
4 ther with the consent of other committees or subcommittees,  
5 to work in conjunction with and utilize their staffs, as it shall  
6 be deemed necessary and appropriate in the judgment of the  
7 chairman of the select committee.

8 SEC. 5. The expenditures authorized by this resolution  
9 shall not exceed \$350,000, and shall be paid upon vouchers  
10 signed by the chairman of the select committee.

ANTI-RACKETEERING ACT (HOBBS ACT)

TITLE 18, UNITED STATES CODE, SECTION 1951

INTERFERENCE WITH COMMERCE BY THREATS OR VIOLENCE

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both.

(b) As used in this section -

- (1) The term "robbery" means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.
- (2) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.
- (3) The term "commerce" means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

(c) This section shall not be construed to repeal, modify or affect section 17 of Title 15, sections 52, 101-115, 151-166 of Title 29 or sections 151-168 of Title 45.

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ENCLOSURE

63-103771-16

LABOR MANAGEMENT RELATIONS ACT  
OF 1947 (TAFT-HARTLEY ACT)

RESTRICTIONS ON PAYMENTS TO  
EMPLOYEE REPRESENTATIVES

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 7/27/05 BY SP12-BTJ/BS (359907)

Title 29, United States Code, Section 186.

(a) It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are employed in an industry affecting commerce.

(b) It shall be unlawful for any representative of any employees who are employed in an industry affecting commerce to receive or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value.

(c) The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of, his services as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: Provided, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; or (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): Provided, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of the employees may agree upon and in the event the employer and employee groups deadlock on

the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities.

(d) Any person who willfully violates any of the provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor and be subject to a fine of not more than \$10,000 or to imprisonment for not more than one year, or both.

(e) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 17 (relating to notice to opposite party) of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U. S. C., title 28, sec. 381), to restrain violations of this section without regard to the provisions of sections 6 and 20 of such Act of October 15, 1914, as amended (U. S. C., title 15, sec. 17, and title 29, sec. 52), and the provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (U. S. C., title 29, secs. 101-115).

(f) This section shall not apply to any contract in force on the date of enactment of this Act, until the expiration of such contract, or until July 1, 1948, whichever first occurs.

February 6, 1957

John L McClellan  
SENATOR JOHN LITTLE McCLELLAN  
UNITED STATES SENATOR - ARKANSAS

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No investigation has been conducted of captioned individual by the FBI. Our files reflect the following information concerning Senator McClellan.

Senator McClellan, born February 5, 1896, Sheridan, Arkansas, has been a U. S. Senator since January 3, 1943, having previously served in Congress from 1935 to 1939. He was a first lieutenant in World War I and claims residence in Camden, Arkansas.

Bureau files reflect numerous cordial contacts with McClellan dated from 1936. McClellan was a member of the Hoover Commission on Organization of the Executive Branch of the Government formed in 1948. In 1946, information was received that McClellan's father allegedly received \$500 from an individual desirous of evading the draft. The individual secured his release from the Army through other means and demanded return of the \$500. After being threatened, McClellan's father attempted to pay the money back with an additional \$200 to forget the matter. U. S. Attorney (USA) advised no Federal violation. On January 5, 1949, McClellan introduced a resolution to establish a joint committee on subversive and un-American activities. In 1949, a complaint was received alleging laxity on the part of USA James T. Gooch of Arkansas in connection with alleged violation of the Federal Reserve Act. Complainant believed that pressure was being brought on the USA through McClellan and the father-in-law of the defense attorney in an attempt to get a no true bill. Investigation failed to substantiate allegation of misconduct in office of USA Gooch.

On June 1, 1954, in discussion with McClellan concerning documents which Senator McCarthy stated had been classified by "a little bureaucrat," McClellan said he could only assume that this "little bureaucrat" was J. Edgar Hoover. The Director noted, "This McClellan is certainly a cheap politician. H." In April, 1954, on a television program McClellan stated Senator McCarthy was sincere in his crusade against communism and motivated by the highest type of Americanism. He also expressed belief that Congressional investigation of un-American activities could best be accomplished by a joint Congressional committee.

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ENCLOSURE.